

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division**

Kraft Foods Global, Inc., et al.

Plaintiff,

v.

Case No.: 1:11-cv-08808

Honorable Steven C. Seeger

United Egg Producers, Inc., et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, October 24, 2023:

MINUTE entry before the Honorable Steven C. Seeger: Plaintiffs' motion for remote testimony (Dckt. No. [395]) is hereby denied. Plaintiffs seek to call Steven Feyman, a former Nestle employee, remotely from Florida. He retired from Nestle in 2015, and is in his early 70s. Rule 43(a) creates a strong presumption in favor of in-person testimony, and rightly so. The Court may allow remote testimony "for good cause" in "compelling circumstances." See Fed. R. Civ. P. 43(a). Here, Feyman seeks to testify remotely because he recently learned that his son in law "will be unexpectedly traveling for his employment with the federal government," so his wife "will be traveling to Virginia to assist [his] daughter while [his] son in law is away." See Feyman Dec., at ¶ 3 (Dckt. No. [395]–1). The witness owns a "senior pet who cannot be boarded." Id. at ¶ 4. The pooch unfortunately "suffers from severe health consequences," and the dog's health has "dramatically suffered" in the past when Feyman was away. Id. Feyman points out that it is "hurricane season," too, so it's not the best time to leave Florida. Id. at ¶ 5. This Court appreciates the desire to take care of pets who need special treatment, but the desire to look after a family pet is not close to "good cause" or a "compelling circumstance[]" under the Federal Rules. Also, there is no weather-related reason for remote testimony. This Court is not aware of any hurricanes in the immediate forecast. Unlike Pickett (from Walmart), the Court sees no medical-related need for remote testimony, either. So the request is denied. That said, the Court acknowledges the son's service to his country, and the Court asks counsel to pass along the Court's thanks for his public service. Mailed notice. (jjr,)

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